

1 **R277. Education, Administration.**

2 **R277-[119]120. [Discretionary Funds]Budgetary Procedures.**

3 **R277-[119-2]120-1. Authority and Purpose.**

4 ~~[A.](1)~~ This rule is authorized ~~[under]~~by:

5 ~~(a)~~ Utah Constitution Article X, Section 3, which vests general control and
6 supervision over public education in the Board~~[-];~~;

7 ~~(b)~~ Subsection 53A-1-401(3), which allows the Board to adopt rules in
8 accordance with its responsibilities;

9 ~~(c)~~ Subsection 59-21-2(2)(e), in which the Legislature appropriates 2.25
10 percent of all deposits made to Mineral Lease Account to the Board for use
11 consistent with Subsection 53C-3-203(4)(b)(iii); and

12 ~~(d)~~ Subsection 53C-3-203(4)(b)(iii), in which the Legislature appropriates
13 funds for the Board's use.

14 ~~[B.](2)~~ The purpose of this rule is to provide for Board review and approval of
15 funds received by the Board for identified purposes.

16 **R277-[119-4]120-2. Definitions.**

17 ~~[A. "Board" means the Utah State Board of Education.~~

18 ~~———B.]~~ "Board discretionary funds" means:

19 ~~(1) [E]~~and exchange funds~~[-are funds]~~ appropriated to the Board from the
20 account described in Section 53C-3-203;

21 ~~(2) [M]~~mineral lease funds~~[-are funds]~~ identified in Section 59-21-1 and
22 directed to the Board in Subsection 53A-3-203(4)(b); and

23 ~~(3) [S]~~state carryover funds~~[-are funds]~~;

24 ~~(a)~~ appropriated by the Legislature~~[-];~~;

25 ~~(b)~~ maintained by the Board~~[-];~~ and

26 ~~(c)~~ carried over from one fiscal year to the next for discretionary use.

27 ~~[C. "State Superintendent of Public Instruction (Superintendent)" means the~~
28 ~~executive officer of the Board and serves at the pleasure of the Board.]~~

29 **R277-[119-3]120-3. Board Review and Use of Discretionary Funds.**

30 ~~[A.](1)~~ The Superintendent shall present an annual projection of revenues and

expenditures of Board discretionary funds as part of the annual budget proposed to the Board.

[B-](2) The Superintendent shall submit to the Board for review a quarterly summary of actual versus projected expenditures from Board discretionary funds.

[C-](3) The Superintendent shall at least annually make a request to the Board for monies from carry-over funds for the Superintendent's sole discretion but may make additional requests.

[D-](4) The Superintendent may make requests to the Board to expend funds, consistent with purposes identified in state law, from the mineral lease or land exchange accounts.

KEY: State Board of Education, discretionary funds

Date of Enactment or Last Substantive Amendment: ~~May 8, 2014~~ 2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3)